

96-98

From: Brian Barkley
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 2:39 PM
Subject: Comments to the Commissioner

Brian Barkley (brianb@accessoneinc.com) writes:

Mr. Adelstein,

Good afternoon. Please accept my apology for any emails sent to you today from Access One regarding save the platform. I was unaware of the quiet period rules and I'm truly sorry for the mistake. Thank you.

Brian Barkley

President

Server protocol: HTTP/1.1
Remote host: 208.178.212.2
Remote IP address: 208.178.212.2

From: robert barta
To: robert barta
Date: Thu, Feb 20, 2003 3:20 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Murray
Senator Cantwell
Representative Inslee
Message text follows:

robert barta
11108 Chinnault
Mukilteo, WA 98275-4939

February 20, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Thanks, save a stamp - no reply necessary, Robert

Sincerely,

Robert from Mukilteo

From: Jeffrey Bower
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 10:27 PM
Subject: Comments to the Commissioner

Jeffrey Bower (jeff.bower@demandmanager.com) writes:

Sad day for consumer Broadband today. No way to sugarcoat this. All i can see is quick exits from the competitors who found zero compassion from the Commission. Companies that based their entire business model on your Facilities Based plans were shown exactly how fragile the FCCs promises really are for a desire for real competition. What CLEC voice provider would spend one dollar more on facilities when you have PROVEN that you have no problems taking all rights away.

There is no doubt that we will see higher DSL prices in months and years to come. Hopefully this review will FAIL quickly in the courts.

Server protocol: HTTP/1.1
Remote host: 12.228.216.106
Remote IP address: 12.228.216.106

From: Betty Bryant
To: Mike Powell
Date: Thu, Feb 20, 2003 1:19 PM
Subject: Concerns Regarding the Pending Decisions of the 1996 Telecom Act

Chairman Powell, in listening to your testimony to Congress a few weeks ago, I appreciate the pressures you must feel in making decisions regarding the 1996 Telecom Act. I want to express my concerns that the Regional Bell Operating Companies (RBOCs) are expected to sell their facilities at a discount in order to create a competitive environment. I am an RBOC shareholder and its profitability impacts more than just the consumer. A competitive company should not receive the profits of that would otherwise be realized by the RBOCs. The telecommunications industry should not be treated any different from any other industry. Eliminating profits from any company will only destroy the once successful industry of telecommunications. If a competitor of the RBOCs is to succeed, they too must invest in capital for their own facilities or pay the rate a subscriber pays. As a consumer and shareholder, I do not believe government can or should interfere in the profitability of any company as long as it has been gained honestly. Please do not allow anyone destroy the RBOCs. They have provided a very valuable service to our country.

Betty Bryant
5235 Old Mill Circle
Pelham, AL 35124

From: The Broadways
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 12:06 AM
Subject: LINE SHARING

Mr. Adelstein -

Please keep line sharing as is.

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You,

Olin Broadway
Concerned CLEC Broadband Customer

From: David Bernard
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 9:52 AM
Subject: Comments to the Commissioner

David Bernard (dbernard1@ameritech.net) writes:

Commissioner Adelstein,

I am writing to you regarding the pending vote on the FCC regulations requiring the incumbent Bell operating companies to lease their lines to competitors below operating costs. It is to my knowledge that the Bell competitors were required by the 1996 telecommunications act to build their own networks. To this day they have not. They are also not offering services at as much of a discount as they are receiving from the Bell companies, retaining larger profits for themselves. This type of greed is exhibited by MCI, who in the second largest bankruptcy in US history has helped to scuttle the already damaged telecommunications industry. While MCI steals money from the consumers and it's own investors, they hide behind the premise of a consumer advocacy group, Voices for Choices, saying that SBC is the bad guy and they are trying to help the consumer save money. This letter is not about MCI though. It is an appeal for true fairness. I have been an SBC employee for the past year and a half, after spending several months unemployed by telecommunications equipment provider I worked six years for. Many of my former colleagues are still unemployed due to the downturn in the industry. I have truly seen both sides of the argument. Now I ask you to explain to me how the current UNE-P requirements can be called fair.

In addition, as a SBC employee, I am forced by the regulations and performance measures set forth in the current UNE-P to let dozens of consumers wait without phone service to their homes while I devote all of my efforts to condition an unbundled loop so that one of my competitor's customers can have DSL. Explain to those people without phone service, which includes 911, how these regulations are in their best interest. The current regulations do have a purpose, however, they must also change with the times, be realistic and just. I appeal to you to make the right choice for the people.

Server protocol: HTTP/1.0
Remote host: 144.160.5.22
Remote IP address: 144.160.5.22

From: dotib
To: Kathleen Abernathy
Date: Thu, Feb 20, 2003 3:44 PM
Subject: <No Subject>

Dear Ms. Abernathy,

Thank you for trying to help us who work for the phone companies by trying to bring about change in the way we have to sell our services to phone providers for less than it costs us. I have watched as this policy has cost my fellow employees their jobs and now with today's vote I am sure I will see more of them laid off.

Thanks again for trying to bring about some fairness in this industry. Maybe some day the others will see the light, hopefully before the major phone companies go bankrupt.

Robert Butler

From: Karen Calahan
To: Karen Calahan
Date: Thu, Feb 20, 2003 10:21 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Durbin

Senator Fitzgerald

Representative Lipinski

Message text follows:

Karen Calahan
6209 S Menard
Chicago, IL 60638-4411

February 20, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Karen D Calahan

From: Larry Cannon
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 9:17 AM
Subject: Comments to the Commissioner

Larry Cannon (lcannon711@comcast.net) writes:

Please do not allow the RBOC's to again control everything. They say if they control they can upgrade (cost justification), my response would be if you do not upgrade you will be the one who loses.

Server protocol: HTTP/1.1
Remote host: 147.226.18.247
Remote IP address: 147.226.18.247

From: Ann Cherry
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 11:51 AM
Subject: Comments to the Commissioner

Ann Cherry (cherry0@bellsouth.net) writes:

To: FCC Commissioners

I have done extensive research in college pertaining to telecom legislation and I am in complete agreement with Chairman Michael Powell pertaining to relieving the Baby Bells on UNE-P regulations. The UNE-P regulations are ridiculous and are stagnating the growth of new technologies in the United States. The United States has fell behind other countries in technology, which is in great part, due to a direct relationship to the UNE-P regulations. There is absolutely no incentive for the Baby Bells to grow there networks to consumers and create new technologies when they lose them to competitors due to the unreasonable UNE-P below cost pricing. I have no problem with the Baby Bells sharing their networks and infrastructure, but not at below cost UNE-P prices, which take away the incentive for the Baby Bells to compete. In my opinion, UNE-P pricing produces the effect of one less good competitor, which certainly would have negative impact for the consumer.

I am appalled at the suggestion by FCC Commissioner Kevin Martin to let states have more authority over the Baby Bells. It is absolutely the most absurd suggestion I have ever heard. In case Mr. Martin doesn't know it, many of the local state governments and municipalities are in direct competition with the Baby Bells and are one of the very biggest competitors gaining an unfair competitive advantage under the current UNE-P guidelines. For example, KIH (Kentucky Information Highway), a Kentucky government telecommunications entity, is one of the Baby Bells biggest competitors in the state.

In essence, the suggestion by Mr. Martin is taking a major government-entity telecommunications competitor, for example, KIH, which is operated under state government, and giving them authority over the other telecom competitors in the state. There is no way that this could be fair or reasonable to the Baby Bells or any other private enterprise telecommunication competitor. Government entities in the telecommunications industry have an extreme unfair competitive advantage against private enterprise telecommunications companies, due to their ability to come back on the taxpayers for more funds when the business is not operated efficiently. To set forth such an unfair competitive advantage would absolutely stagnate entry by private enterprise telecommunications providers and would achieve the opposite effect of stimulating competition and technical growth. To do as Mr. Martin suggest would certainly lead to abuses of state governmental power due to the extreme competitive confli!
ct and the ability to go back on
the taxpayers.

At the very least, I urge you to protect the consumer, and not go with Commissioner Martin's absurd suggestion. At the most, I sincerely believe that FCC Chairman Michael Powell is on the right track and would encourage you to work with him.

Sincerely,
Ann Cherry
402 Warwick Way
Hopkinsville, KY. 42240
Tel: 270-886-2225

Server protocol: HTTP/1.0
Remote host: 139.76.65.129
Remote IP address: 139.76.65.129

From: Aaron
To: Mike Powell, Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein
Date: Thu, Feb 20, 2003 3:11 PM
Subject: Recent ILEC/Unbundling Ruling

I am shocked and horrified to hear that your agency has just struck a blow to free competition and consumers' interests by curtailing the laws that force incumbent phone companies to share their lines with their competition at cost. There is now no doubt that you are all in the pocket of the mega-giant telecom companies and have NO interest in protecting the consumer.

Eventually, this will get back to you. The consumers will get fed up with being ripped off and will elect reformist candidates, who will reverse these unfair policies.

=====

-----<vbr>----- Aaron Cutchin -----<vbr>-----
aaroncutchin@yahoo.com -----<vbr>-----

From: ROBERT CHEUVRONT
To: ROBERT CHEUVRONT
Date: Thu, Feb 20, 2003 4:38 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Durbin

Senator Fitzgerald

Representative Lipinski

Message text follows:

ROBERT CHEUVRONT
3838 HAMPTON AVE.
WESTERN SPRINGS, IL 60558

February 20, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

ROBERT CHEUVRONT

From: Steven Combs
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 6:59 PM
Subject: Comments to the Commissioner

Steven Combs (warpdrv@yahoo.com) writes:

Mr. Adelstein:

As an employee of SBC Communications, I am extremely displeased with your vote on removing the restrictions our company is forced to operate under. I am referring to UNE-P. We have to offer our competitors access to our networks at a loss, for what it actually costs our company to operate them. Due to these restrictions, people in our company are losing their jobs. How would you feel if you were a working class person employed by my company and told that their job is being cut due to us not having a way to make money. Imagine your wife and kids' reaction to dad losing his job. This has happened to people I personally know in this company. What do you say to them, Mr. Adelstein? What is fair about us having to give access to our networks while losing money and stockholder value? Then our competitors are able to offer phone services at a cost below what it costs us to operate the lines, since they don't have to employ persons to repair the lines or operate the network e!

quipment. If you personally use

one of these competitors and your phone line goes down, it is OUR technicians that get called out in the middle of the night to fix them while you are sleeping soundly.

I just wanted you to know the cost of your decision today.

Respectfully yours,

Steven Combs

Proud SBC Employee

Server protocol: HTTP/1.0

Remote host: 144.160.130.40

Remote IP address: 144.160.130.40

From: James Duncan
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 7:00 PM
Subject: Comments to the Commissioner

James Duncan (jd2698@sbc.com) writes:

I feel compelled to voice my dissenting opinion regarding today's announcement on UNE-P and broadband parity. While you and the other commissioners continue to remain out-of-touch with the trenches, we as telecomm employees continue to suffer. We suffer on a daily basis with job uncertainty. The regulatory "hand-cuffs" put on us are ever present and most clear at the lowest level of customer facing positions.

Effectively what you have done, "warden", is sign the death warrant of thousands of telecomm employees. This is not surprising since it is clear from your biography that as an educator and legislator you clearly have not been in the "trenches" for quite some time, if ever. I thank you for continuing the uncertainty in the lives of my family.

Regards,
James Stacy Duncan, Citizen/Voter

Server protocol: HTTP/1.1
Remote host: 24.95.34.112
Remote IP address: 24.95.34.112

From: Victoria Franks
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 11:00 AM
Subject: Comments to the Commissioner

Victoria Franks (n756tk1@yahoo.com) writes:

We are for striking down UNE-P nationally. It has created an economic mess, loss of jobs, no capital spending. It has enabled companies-- hardly small-- like World Con and AT&T to do what?? Their financial sheets are in a mess. So what is the deal? Make jobs, build our country back again by pushing for capital spending.

Server protocol: HTTP/1.1
Remote host: 66.139.98.19
Remote IP address: 66.139.98.19

From: stephane fourdrinier
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 6:39 PM
Subject: Comments to the Commissioner

stephane fourdrinier (stephane@younix.com) writes:

I am just a end user, I have a company, and have home-business DSL.

I just wanted to comment on the decision taken today by the FCC, that a lot of people feel is wrong, and will be bad with negative effects for the economy.

I fail to see how preventing competition will do any good, it will only kill some of the independant provider of DSL, now and future to come. Will only fatten the baby bells.

Baby bells will be able to set their one price, decide if they want to share or not their lines with other companies, which companies. It is supposed to protect their investment and allow to build the future. I think the only effect will be for them to stop supporting as soon as possible the existing networks, to build their fiber network and try to dismiss their existing customers and agreement, put all the new customers on these fiber lines, and then raising their price, because 1 - they have monopoly and can't do whatever they want, 2 - the service is supposedly better than the previous one (Hey my 1.5Mb dsl at home is fine !).

Oh yeah, and what about the restriction they put ? I want my dedicated IP at home, I don't want a company like Verizon forbidding in their policy to run a VPN at home to my work, limit my capability to upload and download just because they can't dimension their network for power users. I am willing to pay more for a quality provider, that is what i do now, but until now, the baby bells are known for non quality network, and not offering what business people wants. I do not know ANY serious business using babybells DSL lines for their needs.

Right now, I have a DSL with Megapath and Covad, and I am extremely happy with both support and both services provided by these 2 companies. I tried Verizon, sorry to say that here, but they suck... They just DO NOT provide the service I need where I live, which is simple, but they do not do it, and their technical support, customer service is just terrible. When I call megapath or Covad for help, I always have someone knowledgeable within a few minutes. When I call Verizon's customer service, I have monkeys reading texts from their computer screens and following scripts, that most of the time they have no idea what they are talking about.

I felt like I had to express my insignificant voice as a consumer to you all big gurus of the FCC that are making these choices for the profit of a few companies and the detriment of so many people.

Thank you for your so wise decision, and I want to applaude Powell's decision and support against this, and will do everything in my power of small user to fight against this decision that I feel so strong is wrong that I took the time to write this.

Stephane Fourdrinier.

Server protocol: HTTP/1.0
Remote host: 198.45.19.20
Remote IP address: 198.45.19.20

From: Rebecca Fuller
To: Rebecca Fuller
Date: Thu, Feb 20, 2003 3:05 PM
Subject: FCC Vote is "Surpassingly Strange" May Gives Agency "C" For Mixed Decision, Wonders About Martin

NEWS RELEASE
FOR IMMEDIATE RELEASE

CONTACT: David Fish 202-289-8928
February 20, 2003

FCC Vote is "Surpassingly Strange"
May Gives Agency "C" For Mixed Decision, Wonders About Martin

Available at: <http://www.pff.org/pr/pr022003FCCunevote.htm>

WASHINGTON, DC - Borrowing words from Supreme Court Justice Antonin Scalia, known as a friend of states' rights, a noted telecommunications expert is calling today's FCC decision to allow states ultimately to make key network sharing decisions "surpassingly strange." So too, he says, are the means by which it came about, referring to the lack of unity between Chairman Michael Powell and Commissioner Kevin Martin. Still, given the agency's decision to deregulate new networks used for delivering high-speed Internet access, he says the agency deserves the passing grade of "C".

That expert is Progress & Freedom Foundation Senior Fellow and Director of Communications Policy Studies Randolph J. May. The following is his reaction to the votes taken earlier today:

"Overall, I'd give the Commission a 'C' for its actions. While this grade may be good enough for a college term paper, it's not good enough, given the need for deregulation to spur facilities-based investment. The decision to deregulate new fiber investment to provide broadband is a positive. But continuing indefinitely the UNE Platform by turning over the ultimate determination to the states is a negative. To borrow a phrase from Justice Scalia in the Iowa Utilities Board case, Kevin Martin's vote to grant the states the final say on UNE-P is 'surpassingly strange'."

Last month, May released a "scorecard" for analyzing today's FCC actions. "Seven years after the passage of the telecommunications Act of 1996, real deregulation is coming too late," May wrote in "The FCC and Telecom Recovery: A Scorecard for Evaluating the New Rules," his new paper. "Will it also be too little to spur a recovery in the depressed telecommunications and high-tech sectors?"

May answers his own question: "Ever the optimist, I'm hopeful the relief provided on the broadband front will constitute a useful jump start to be followed up with further deregulation."

From: MICHAEL DAVID FOGARTY
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 6:39 PM
Subject: Comments to the Commissioner

MICHAEL DAVID FOGARTY (MDF1718@YAHOO.COM) writes:

I REALLY APPRECIATE YOUR STANCE ON THE UNE-P ISSUE AND YOUR VOTE TO KEEP IT IN PLACE. IT WILL REALLY BE BENEFICIAL WHEN I AM LAID-OFF ALONG WITH MANY OTHER EMPLOYEES OF ILEC'S AND EMPLOYEES OF COMPANIES SUCH AS LUCENT, NORTEL, TELLABS, AND ALCATEL. WHERE WILL WE GO FOR EMPLOYMENT THEN SEEING HOW MANY OF THE CLEC'S DON'T EVEN EMPLOY TECHNICIANS? AT LEAST OUR PHONE BILL WILL BE TWO DOLLARS A MONTH CHEAPER. THAT SHOULD HELP. JUST ONE MORE THING I ASK THAT YOU CONSIDER: IF YOU WERE ABLE TO RENT A HOUSE AT A WHOLESALE RATE YET STILL ENJOY ALL THE BENEFITS OF OWNING LIKE TAX BREAKS WHILE THE LANDLORD WAS STILL RESPONSIBLE FOR THE UPKEEP, WHAT REASON WOULD THERE BE TO BIULD YOUR OWN HOUSE?

AN UPSET TAXPAYER AND VOTER,
MICHAEL DAVID FOGARTY

Server protocol: HTTP/1.0
Remote host: 144.160.98.28
Remote IP address: 144.160.98.28

From: Faith Gagne
To: Commissioner Adelstein
Date: Thu, Feb 20, 2003 1:55 PM
Subject: Comments to the Commissioner

Faith Gagne (jitter@attbi.com) writes:

Dear Commissioner Adelstein:

Please do not vote to give the ILEC's a monopoly on internet broadband service. This is shocking. The service is already too expensive for most consumers as it is.

Mr. Powell's reason for doing this is because the phone companies cannot afford to upgrade broadband at their current income. I don't believe it, and why does broadband have to be upgraded to begin with, and why cannot it be done slowly?

I am so sorry that Ma Bell was ever broken up. Ma Bell was far more pleasant, affordable, and reasonable to do business than Verizon every thought of being. You have to be an attorney to do business with Verizon and to meet their demands. Doing business with them is a nightmare. It is bad enough that I do not have a choice for local phone service.

Two weeks ago I was going to sign up with Verizon for DSL, but the pages and pages of paperwork and fine print turned me off and I cancelled. Verizon is a nightmare.

I already believe that ILECs should NOT be privately held, considering the circumstances and all that is at stake.

Please do not vote of in favor of this move because it is far from okay.

Thank you.

Sincerely, Faith Gagne

Server protocol: HTTP/1.1
Remote host: 66.31.184.69
Remote IP address: 66.31.184.69

From: www-data@web1.fastmetrics.com
To: Kathleen Abernathy, Michael Copps, KM KJMWEB, Mike Powell, Commissioner Adelstein
Date: Thu, Feb 20, 2003 5:17 PM
Subject: Reject Bells' Monopoly Bid

Message from Frances Hillyard

1549 Beverly Place
Berkeley
California 94706

Dear FCC Commissioner: Elimination of competitive access to wholesale phone networks will kill local competition and leave consumers with the worst of both worlds, an unregulated monopoly. Please reject the Bells self serving proposals to eliminate the UNE-Ps, which would pave the way for a bigger, meaner phone monopoly unrestrained by regulatory oversight.

Sincerely,

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<http://getperl.virtualave.net>

From: Blair Levin, Rebecca Arbogast, & David Kaut
Date: Thu, Feb 20, 2003 9:25 PM
Subject: Bells Lose in Bid to Knock Out UNE-P, But Gain on Broadband

> Bells Lose in Bid to Knock Out UNE-P, But Gain on Broadband (full note
> below and FCC releases at bottom)
> * The FCC's UNE decision went largely as expected in that it gave state
> regulators broad discretion,
> including on reviews of UNE-P, which will complicate the prospects for
> Bell/ILEC relief.
> * The UNE-P decision was a near-term defeat for the Bells and a victory
> for AT&T and WorldCom.
> * At the same time, the FCC is giving the Bells broadband relief that
> offers them and equipment
> manufacturers the promise of longer-term benefits, and the Commission said
> it took steps to help
> facilities-based CLECs use high-capacity lines at discounted rates.
> * We note that many details remain unknown and that the decision is likely
> to be challenged in
> court.
>
> <<UNE 220.pdf>>
> Blair Levin
> blevin@leggmason.com
> 202-778-1595
>
> Rebecca Arbogast
> arbogast@leggmason.com
> 202-778-1978
>
> David Kaut
> dpkaut@leggmason.com
> 202-778-4341
>
> Michael Balhoff, CFA
> mbalhoff@leggmason.com
> 410-454-4842
>
>
> -----
>
> FCC News release and summary of Order:
>
>
> FOR IMMEDIATE RELEASE: NEWS MEDIA
> CONTACT:
> February 20, 2003
> Michael Balmoris 202-418-0253
>
> Email: mbalmori@fcc.gov
> FCC ADOPTS NEW rules FOR network UNBUNDLING OBLIGATIONS OF INCUMBENT local
> PHONE CARRIERS
> Greater Incentives for Broadband Build-Out and Greater Granularity in
> Determining Unbundled Network Elements Are Key Commission Actions
> Washington, D.C. * The Federal Communications Commission (Commission)
> today adopted rules concerning incumbent local exchange carriers*

- > (incumbent LECs) obligations to make elements of their networks available
- > on an unbundled basis to new entrants. The new framework provides
- > incentives for carriers to invest in broadband network facilities, brings
- > the benefits of competitive alternatives to all consumers, and provides
- > for a significant state role in implementing these rules.
- > Today's action resolves various local phone competition and broadband
- > competition issues and addresses a May 2002 decision by the U.S. Court of
- > Appeals for the District of Columbia which overturned the Commission's
- > previous Unbundled Network Elements (UNE) rules. Following is a brief
- > summary of the key issues resolved in today's decision (a more detailed
- > summary of today's action is attached):
- > Impairment Standard * A requesting carrier is impaired when lack of
- > access to an incumbent LEC network element poses a barrier or barriers to
- > entry, including operational and economic barriers, which are likely to
- > make entry into a market uneconomic. Such barriers include scale
- > economies, sunk costs, first-mover advantages, and barriers within the
- > control of the incumbent LEC. The Commission's unbundling analysis
- > specifically considers market-specific variations, including
- > considerations of customer class, geography, and service.
- > Broadband Issues * The Commission provides substantial unbundling relief
- > for loops utilizing fiber facilities: 1) the Commission requires no
- > unbundling of fiber-to-the-home loops; 2) the Commission elects not to
- > unbundle bandwidth for the provision of broadband services for loops where
- > incumbent LECs deploy fiber further into the neighborhood but short of the
- > customer's home (hybrid loops), although requesting carriers that provide
- > broadband services today over high capacity facilities will continue to
- > get that same access even after this relief is granted, and 3) the
- > Commission will no longer require that line-sharing be available as an
- > unbundled element. The Commission also provides clarification on its UNE
- > pricing rules that will send appropriate economic signals to carriers.
- > Unbundled Network Element Platform (UNE-P) Issue * The Commission finds
- > that switching - a key UNE-P element - for business customers served by
- > high-capacity loops such as DS-1 will no longer be unbundled based on a
- > presumptive finding of no impairment. Under this framework, states will
- > have 90 days to rebut the national finding. For mass market customers,
- > the Commission sets out specific criteria that states shall apply to
- > determine, on a granular basis, whether economic and operational
- > impairment exists in a particular market. State Commissions must complete
- > such proceedings within 9 months. Upon a state finding of impairment, the
- > Commission sets forth a 3 year period for carriers to transition off of
- > UNE-P.
- > Role of States * The states have a substantial role in applying the
- > Commission's impairment standard according to specific guidelines tailored
- > to individual elements.
- > Dedicated transport * The Commission finds that requesting carriers are
- > not impaired without Optical Carrier (or OCn) level transport circuits.
- > However, the Commission finds that requesting carriers are impaired
- > without access to dark fiber, DS3, and DS1 capacity transport, each
- > independently subject to a route-specific review by states to identify
- > available wholesale facilities. Dark fiber and DS3 transport also each
- > are subject to a route-specific review by the states to identify where
- > competing carriers are able to provide their own facilities.
- > With today's action, the Commission also opened a Further
- > Notice of Proposed Rulemaking (FNPRM) seeking comment on whether the
- > Commission should modify the so-called pick-and-choose rule that permits
- > requesting carriers to opt into individual portions of interconnection

- > agreements without accepting all the terms and conditions of such
- > agreements.
- > -FCC-
- > Docket No.: CC 01-338
- > Wireline Competition Bureau Staff Contact: Tom Navin at 202-418-1580.
- >
- > News about the Federal Communications Commission can also be found
- > on the Commission's web site www.fcc.gov.
- >
- >
- > _____
- > _____
- > Attachment to Triennial Review Press Release
- > Order on Remand
- > o Local Circuit Switching * The Commission finds that switching - a
- > key UNE-P element - for business customers served by high-capacity loops
- > such as DS-1 will no longer be unbundled based on a presumptive finding of
- > no impairment. Under this framework, states will have 90 days to rebut
- > the national finding. For mass market customers, the Commission sets out
- > specific criteria that states shall apply to determine, on a granular
- > basis, whether economic and operational impairment exists in a particular
- > market. State Commissions must complete such proceedings (including the
- > approval of an incumbent LEC batch hot cut process) within 9 months. Upon
- > a state finding of no impairment, the Commission sets forth a 3 year
- > period for carriers to transition off of UNE-P.
- > o Packet Switching * Incumbent LECs are not required to unbundle
- > packet switching, including routers and DSLAMs, as a stand-alone network
- > element. The order eliminates the current limited requirement for
- > unbundling of packet switching.
- > o Signaling Networks * Incumbent LECs are only required to offer
- > unbundled access to their signaling network when a carrier is purchasing
- > unbundled switching. The signaling network element, when available,
- > includes, but is not limited to, signaling links and signaling transfer
- > points.
- > o Call-Related Databases * When a requesting carrier purchases
- > unbundled access to the incumbent LEC's switching, the incumbent LEC must
- > also offer unbundled access to their call-related databases. When a
- > carrier utilizes its own switches, with the exception of 911 and E911
- > databases, incumbent LECs are not required to offer unbundled access to
- > call-related databases, including, but not limited to, the Line
- > Information database (LIDB), Toll Free Calling database, Number
- > Portability database, Calling Name (CNAM) database, Operator
- > Services/Directory Assistance databases, and the Advanced Intelligent
- > Network (AIN) database.
- > o OSS Functions * Incumbent LECs must offer unbundled access to
- > their operations support systems for qualifying services. OSS consists of
- > pre-ordering, ordering, provisioning, maintenance and repair, and billing
- > functions supported by an incumbent LEC's databases and information. The
- > OSS element also includes access to all loop qualification information
- > contained in any of the incumbent LEC's databases or other records.
- > o Loops
- > ' Mass Market Loops
- > * Copper Loops * Incumbent LECs must continue to provide unbundled
- > access to copper loops and copper subloops. Incumbent LECs may not retire
- > any copper loops or subloops without first receiving approval from the
- > relevant state commission.
- > * Line Sharing * The high frequency portion of the loop (HFPL) is not

- > an unbundled network element. Although the Order finds general impairment
- > in providing broadband services without access to local loops, access to
- > the entire stand-alone copper loop is sufficient to overcome impairment.
- > During a three-year period, competitive LECs must transition their
- > existing customer base served via the HFPL to new arrangements. New
- > customers may be acquired only during the first year of this transition.
- > In addition, during each year of the transition, the price for the
- > high-frequency portion of the loop will increase incrementally towards the
- > cost of a loop in the relevant market.
- > * Hybrid Loops * There are no unbundling requirements for the
- > packet-switching features, functions, and capabilities of incumbent LEC
- > loops. Thus, incumbent LECs will not have to provide unbundled access to
- > a transmission path over hybrid loops utilizing the packet-switching
- > capabilities of their DLC systems in remote terminals. Incumbent LECs
- > must provide, however, unbundled access to a voice-grade equivalent
- > channel and high capacity loops utilizing TDM technology, such as DS1s and
- > DS3s.
- > * Fiber-to-the-Home (FTTH) Loops * There is no unbundling requirement
- > for new build/greenfield FTTH loops for both broadband and narrowband
- > services. There is no unbundling requirement for overbuild/brownfield
- > FTTH loops for broadband services. Incumbent LECs must continue to
- > provide access to a transmission path suitable for providing narrowband
- > service if the copper loop is retired.
- > ' Enterprise Market Loops
- > * The Commission makes a national finding of no impairment for OCn
- > capacity loops.
- > * The Commission makes a national finding of impairment for DS1, DS3,
- > and dark fiber loops, except where triggers are met as applied in state
- > proceedings. States can remove DS1, DS3, and dark fiber loops based on a
- > customer location-specific analysis applying a wholesale competitive
- > alternatives trigger.
- > * Dark fiber and DS3 loops also each are subject to a customer
- > location-specific review by the states to identify where loop facilities
- > have been self-deployed.
- > o Subloops
- > * See the copper loops summary above. In addition, incumbent LECs must
- > offer unbundled access to subloops necessary for access to wiring at or
- > near a multiunit customer premises, including the Inside Wire Subloop,
- > regardless of the capacity level or type of loop the requesting carrier
- > will provision to its customer.
- > o Network Interface Devices (NID) * Incumbent LECs must offer
- > unbundled access to the NID, which is defined as any means of
- > interconnecting the incumbent LEC's loop distribution plant to the wiring
- > at the customer premises.
- > o Dedicated Interoffice Transmission Facilities * The Commission
- > redefines dedicated transport to include only those transmission
- > facilities connecting incumbent LEC switches or wire centers.
- > * The Commission finds that requesting carriers are not impaired
- > without access to unbundled OCn level transport.
- > * The Commission finds that requesting carriers are impaired without
- > access to dark fiber, DS3, and DS1 transport, except where wholesale
- > facilities triggers are met as applied in state proceedings using
- > route-specific review.
- > * Dark fiber and DS3 transport also each are subject to a granular
- > route-specific review by the states to identify where transport facilities
- > have been self-deployed.

- > o Shared Transport * Incumbent LECs are required to provide shared transport to the extent that they are required to provide unbundled local circuit switching
- > o Combinations of Network Elements * Competitive LECs may order new combinations of UNEs, including the loop-transport combination (enhanced extended link, or EEL), to the extent that the requested network element is unbundled.
- > o Commingling * Competitive LECs are permitted to commingle UNEs and UNE combinations with other wholesale services, such as tariffed interstate special access services.
- > o Service Eligibility * Service eligibility criteria apply to all requests for newly-provisioned high-capacity EELs and for all requests to convert existing circuits of combinations of high-capacity special access channel termination and transport services. These criteria include architectural safeguards to prevent gaming.
- > ' Certification * Each carrier must certify in writing to the incumbent LEC that it satisfies the qualifying service eligibility criteria for each high-capacity EEL circuit.
- > ' Auditing * Incumbent LECs may obtain and pay for an independent auditor to audit compliance with the qualifying service eligibility criteria for high-capacity EELs. The incumbent LEC may not initiate more than one audit annually.
- > o Modification of Existing Network/*No Facilities* Issues * Incumbent LECs are required to make routine network modifications to UNEs used by requesting carriers where the requested facility has already been constructed. These routine modifications include deploying multiplexers to existing loop facilities and undertaking the other activities that incumbent LECs make for their own retail customers. The Commission also requires incumbent LECs to condition loops for the provision of xDSL services. The Commission does not require incumbent LECs to trench new cable or otherwise to construct transmission facilities so that requesting carriers can access them as UNEs at cost-based rates, but it clarifies that the incumbent LEC's unbundling obligation includes all transmission facilities deployed in its network.
- > o Section 271 Issues * The requirements of section 271(c)(2)(B) establish an independent obligation for BOCs to provide access to loops, switching, transport, and signaling, under checklist items 4-6 and 10, regardless of any unbundling analysis under section 251. Where a checklist item is no longer subject to section 251 unbundling, section 252(d)(1) does not operate as the pricing standard. Rather, the pricing of such items is governed by the "just and reasonable" standard established under sections 201 and 202 of the Act.
- > o Clarification of TELRIC Rules * The order clarifies two key components of its TELRIC pricing rules to ensure that UNE prices send appropriate economic signals to incumbent LECs and competitive LECs. First, the order clarifies that the risk-adjusted cost of capital used in calculating UNE prices should reflect the risks associated with a competitive market. The order also reiterates the Commission's finding from the Local Competition Order that the cost of capital may be different for different UNEs. Second, the Order declines to mandate the use of any particular set of asset lives for depreciation, but clarifies that the use of an accelerated depreciation mechanism may present a more accurate method of calculating economic depreciation.
- > o Fresh Look * The Commission will retain its prior determination that it will not permit competitive LECs to avoid any liability under contractual early termination clauses in the event that it converts a UNE

- > to a special access circuit.
- > o Transition Period * The Commission will not intervene in the
- > contract modification process to establish a specific transition period
- > for each of the rules established in this Order. Instead, as contemplated
- > in the Act, individual carriers will have the opportunity to negotiate
- > specific terms and conditions necessary to translate the Commission's
- > rules into the commercial environment, and to resolve disputes over any
- > new contract language arising from differing interpretations of the
- > Commission's rules.
- > o Periodic Review of National Unbundling Rules * The Commission will
- > evaluate these rules consistent with the biennial review mechanism
- > established in section 11 of the Act. These reviews, however, will not be
- > performed de novo but according to the standards of the biennial review
- > process.
- > Further Notice of Proposed Rulemaking
- > o The Commission opens a further notice of proposed rulemaking to
- > seek comment on whether to modify the Commission's interpretation of
- > section 252(i) * the Commission's so-called pick-and-choose rule. The
- > Commission tentatively concludes that a modified approach would better
- > serve the goals embodied in section 252(i), and sections 251-252
- > generally, by promoting more meaningful commercial negotiations between
- > incumbent LECs and competitive LECs.
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